

CITY OF MILPITAS

ELECTION AND CANDIDATE GUIDELINES

GENERAL MUNICIPAL ELECTION

TUESDAY, NOVEMBER 4, 2014

*Office of the City Clerk
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1. ELIGIBILITY

In order to be eligible to hold office as Mayor or a Member of the Council, an individual must be a registered voter at his/her current residence address within the corporate City limits of Milpitas at the time nomination papers are issued for his or her candidacy.

2. OFFICES TO BE FILLED

(1) Mayor, 2-year term	Compensation:	\$1,076.90 monthly
(2) City Councilmember, 4-year terms	Compensation:	\$ 861.30 monthly

3. NOMINATION PERIOD

Section 10220 - Elections Code

Monday, July 14, 2014 starting at 8:00 a.m. begins the time that Nomination Papers will be issued by the City Clerk to candidates at Milpitas City Hall, 3rd floor, 455 E. Calaveras Blvd. in Milpitas.

Friday, August 8, 2014 at 5:00 p.m. is the final date and time for filing Nomination Papers with the City Clerk.

EXTENSION IF INCUMBENT DOES NOT FILE

Section 10225 - Elections Code

If Nomination Papers for an incumbent officer of the City are not filed by 5:00 p.m. on Friday, August 8, 2014, the Nomination Period will then be extended until Wednesday, August 13, 2014, at 5:00 p.m. for any individual except an incumbent.

NOTE: Milpitas City Hall is open from 8:00 a.m. to 5:00 p.m., Monday through Friday.
City Clerk encourages candidates to call in advance for an appointment, 408-586-3001.

4. OFFICIAL NOMINATION PAPER

Section 10226 - Elections Code

The first step in completing your petition is to decide if you will personally be the circulator or if someone will circulate the form on your behalf. Whoever circulates the petition must personally witness each individual voter's signature. If you ask someone else to circulate the petition for you, he or she must be a registered voter or eligible to be a voter in the City of Milpitas and must complete the "Affidavit of Circulator" on the third page of the nomination paper.

The second step is to obtain the voter signatures. You will notice that the petition has 30 spaces for signatures. Although only 20 signatures are required, it is advisable to obtain 30. This will give you 10 extra signatures if some of the first 20 signatures do not qualify. Signatures qualify if they are from registered voters of the City of Milpitas. A voter may sign one petition for each office on the ballot. Name, signature and the residence address must match exactly the information on the voter's affidavit of registration on file with Santa Clara County Registrar of Voters.

5. AFFIDAVIT OF NOMINEE AND CANDIDATE'S OATH OF ALLEGIANCE

Section 200 - Elections Code and State Constitution Article XX, Section 3

On the back page of the Nomination Paper, two sections must be completed (these have been combined into one box on the form).

- (1) Affidavit of Nominee: This section is a declaration stating that the candidate will accept the nomination and the office in the event of his/her election. In addition, the candidate must write his/her ballot designation. (Please read guidelines on "Ballot Designations" below.)
- (2) Candidate's Oath of Allegiance: This portion must be completed in the presence of the City Clerk or Deputy City Clerk at the time the candidate files the Nomination Papers.

6. FILING OF NOMINATION PAPERS

Sections 10224, 10225 – Elections Code

Once you have obtained all your signatures, you must file the Nomination Paper with the City Clerk. Note that the **Nomination Paper and Candidate Statement must be filed at the same time.**

Friday, August 8, 2014 is the last date a candidate may withdraw his or her nomination paper after it has been filed.

Filing: All Nomination Papers shall be filed with the City Clerk at City Hall during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday, but not later than 5:00 p.m. on Friday, August 8, 2014. If an eligible incumbent does not file, the close of the nomination period shall be extended five days to 5:00 p.m. on Wednesday, August 13, 2014.

7. BALLOT DESIGNATIONS

Section 13107 – Elections Code

A Ballot Designation Worksheet is provided and must be completed and submitted by each candidate.

Immediately under the name of each candidate, and not separated from the name by any line, may appear, at the option of the candidate, only one of the following designations:

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing of the Nomination Papers to which he/she was elected by vote of the people.
- (2) The word “incumbent” if the candidate is a candidate for the same office which he/she holds at the time of filing the Nomination Papers and was elected to that office by a vote of the people.
- (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate.
- (4) The phrase “appointed incumbent” if the candidate holds an office other than a judicial office by virtue of appointment

No election official shall accept a designation which:

- (1) Would mislead the voters.
- (2) Would suggest an evaluation of a candidate such as outstanding, leading, expert, virtuous, or eminent.
- (3) Abbreviates the word “retired” or places it following any word or words which it modifies.
- (4) Uses the word or prefix such as “former” or “ex-,” which means a prior status. The only exception is the use of the word “retired.”
- (5) Uses the name of any political party, whether or not it has qualified for the ballot.
- (6) Uses a word or words referring to a racial, religious, or ethnic group.
- (7) Refers to any activity prohibited by law.

If, upon checking the Nomination Paper, the elections official finds the ballot designation to be in violation of any of the restrictions listed above, the elections official shall notify the candidate by registered mail, return receipt requested. The candidate shall, within three days from the date of receipt of the notice, appear before the elections official and provide a designation that complies with law.

In the event the candidate fails to provide a new designation that complies, then no designation shall appear after the candidate's name.

No designation given by a candidate shall be changed by the candidate after the final date for filing Nomination Papers, except as specifically requested by the elections official under specified circumstances.

8. **PLACEMENT OF NAMES ON BALLOT**

Section 13112 – Elections Code

The Secretary of State will make a random drawing of letters of the alphabet on August 14, 2014 following the close of nominations. Candidates' names will be placed on the ballot by their surnames in the order determined by this drawing.

9. **CANDIDATE'S STATEMENT OF QUALIFICATIONS**

Section 13307 – Elections Code

A Candidate's Statement may be filed by the candidate, if he/she so desires, for distribution to each voter with the sample ballot pamphlet. Such Statement must be filed with the candidate's Nomination Paper and may be withdrawn, **BUT NOT CHANGED**, by the candidate after it is filed at any time before 5:00 p.m. of the next working day (August 11, 2014) after the close of the Nomination period. A statement may **NOT** be resubmitted after it is withdrawn.

The Candidate's Statement may contain the candidate's NAME, AGE, and OCCUPATION plus a brief description of the candidate's EDUCATION and QUALIFICATIONS in not more than 200 words expressed by the candidate himself/herself. No reference to other candidates is permitted. The statement shall not include the political party affiliation of the candidate.

You must type the statement and include it attached to the form provided. Statements will be printed exactly as submitted; therefore, candidates are strongly urged to carefully proofread their statements for correct spelling, punctuation, and grammar. The statement will be printed in block paragraph format in the sample ballot pamphlet. Pay attention to the following:

- A 200-word statement has a maximum of 22 lines. Each first line of a new paragraph to start with five blank spaces. Blank lines will be counted as part of the 22 lines.
- Each line has a limit of 72 characters, including punctuation and spaces.
- No words in all CAPITAL letters, underlining, **bold face**, *italic* or bullets will be permitted.
- Type statement in a fixed size font, such as Courier New, to avoid exceeding the limit of 72 characters in a line.

Read the "Candidate's Statement Guidelines" provided with this material for important additional information to be used to complete your written Statement.

The Candidate's Statement will be printed in the sample ballot booklet and be mailed to each registered voter in the City. In addition to the English language, Chinese, Vietnamese, Spanish and Tagalog translations will be prepared for each statement. Cost for printing, mailing and translating the Candidate's Statement is the responsibility of the candidate. A deposit in the amount of **\$1900** is required at the time the Statement is filed.

10. **WORD COUNT STANDARD FOR CANDIDATE'S STATEMENT**

Section 9 – Elections Code

- (1) Punctuation is not counted.
- (2) Each word shall be counted as one word except as specified in this section.
- (3) All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
- (4) Each abbreviation of a word, phrase, or expression shall be counted as one word.

- (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word. (June 3, 2014 = 2 words; 06/03/14 = one word).
- (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "One hundred" shall be counted as two words. "100" shall be counted as one word. (Refer to "Rules for Counting Words" guidelines included with his manual.)
- (8) Telephone numbers shall be counted as one word.
- (9) Internet web site addresses shall be counted as one word.

Note: Characters used in place of word or number (& or #) are counted as one word.

11. POLITICAL REFORM ACT and the FAIR POLITICAL PRACTICES COMMISSION (FPPC)

www.fppc.ca.gov or hotline (limited hours) 1-866-275-3772

FILING REQUIREMENTS

The Fair Political Practices Commission (FPPC) mandates the filing requirements statewide for election candidates. Detailed information, including forms and instructions, is found online.

A. Statement of Economic Interests (Form 700)

When you file your Nomination Papers, you must submit a Statement of Economic Interests (Form 700 Candidate Statement) by the close of the nomination period. Form 700 is available at www.fppc.ca.gov or from the City Clerk. The purpose of Form 700 is to reveal any possible conflict of interest a candidate may have, regarding financial matters within the City of Milpitas only. All 700 forms for any city office are filed with the City Clerk and are forwarded to the Fair Political Practices Commission in accordance with the Political Reform Act of 1974. These forms are public documents.

B. Candidate Intention Statement (Form 501)

All candidates for public office must file Form 501. State and local candidates and officeholders who intend to raise or spend campaign funds must file Form 501 (Candidate Intention) before soliciting or receiving any contributions. **Form 501 must be submitted to the City Clerk** prior to or at time of issuance of the Nomination Paper (not filed with the FPPC). Refer to the FPPC forms online for instructions on completing this form properly.

C. Statement of Organization (Form 410)

Form 410 must be filed by all candidates who have, or "recipient committees" that have, received \$1,000 or more in contributions (including from the candidate's personal funds) or expenditures in that amount. Upon forming your committee, you and your treasurer complete the Form 410 which must include campaign bank account information, candidate name and year of election. **Form 410 must be filed with the Secretary of State Political Reform Division in Sacramento, CA** within 10 days of receiving \$1,000 or more in contributions. The Secretary of State will issue an identification number to the committee, which is then included on all campaign disclosure reports.

If any of the information on a Statement of Organization changes, your committee must file an Amendment to the Statement within 10 days of the change. If a committee amends its Statement of Organization, to identify a new treasurer or new bank account for example, it need only provide that information on a new Form 410 sent to the Secretary of State, including its name and previously issued identification number in the appropriate box on the front page, with the box "Amendment" checked on the top of the Form 410.

There is an annual fee of \$50 payable to Secretary of State to open and maintain a campaign committee.

D. Pre-Election Campaign Statements (Form 460)

ALL CAMPAIGN DISCLOSURE STATEMENTS ARE **FILED WITH THE CITY CLERK.**

The Fair Political Practices Commission requires all candidates to file campaign statements (FPPC Form 470 or 460) prior to election. The first statement is due on Monday, October 6, 2014, and covers the period of the start of the committee or July 1 if an existing committee through September 30. The second pre-election statement is due Thursday, October 23, 2014, and covers the period of October 1 to October 18, 2014. Required forms are available online at the FPPC site.

Form 470 Candidate Campaign Statement – Short Form may be filed with a declaration of candidacy, but must be filed no later than October 6, 2014. This form is filed only once, prior to election. Subsequently, no additional campaign statements need to be filed for the remainder of the year as long as total receipts and total expenditures remain less than \$1,000.

Form 460 Recipient Committee Campaign Statement must be submitted by all candidates who have formed a campaign committee, upon receiving or spending more than \$1,000. Due dates noted above.

All Campaign reporting statements must be filed in the City Clerk's Office no later than 5:00 p.m. on the due date. By state law, the City Clerk is authorized to impose penalties on late filings.

E. Form 497 24-Hour Contribution Report

Within the 90 days prior to an election, contributions of more than \$1,000 which **includes contributions or loans from a candidate to his/her campaign committee** must be reported on Form 497 within 24 hours. Because the City of Milpitas has a contribution limit of \$250 per donor per election, this specific report would only be necessary if the candidate or his/her spouse contributes or loans his/her committee \$1,000 or more.

Form 497 must be submitted by fax, guaranteed overnight delivery service, or personal delivery. Regular postal mail may not be used. The Report must be filed **within 24 hours** of the time the contribution was made. **Form 497 must be filed with the City Clerk** at Milpitas City Hall.

F. Future Filings

Future filings will depend on a candidate's success in this election and whether you retain your committee status. The City Clerk will notify you of future filing dates. Semi-annual campaign committee reports are required in California each year.

G. Milpitas Contribution Limit

City of Milpitas Municipal Code I-210-3.10(a) limits campaign contributions to \$250 per candidate per election including aggregation. The Regulation of Campaign Contributions is included in the Election materials.

H. Important Information about Record Keeping

It is extremely important to keep a complete and accurate record of campaign receipts and expenditures. This is essential to the filing of campaign statements required by the Political Reform Act. Although it is not required that contributions of under \$25 be disclosed, candidates should know the origin of all contributions if individuals make small donations that aggregate to \$100 or more. Further, the California Franchise Tax Board is authorized to conduct audits of local candidates and their committees.

It is the candidate's responsibility to carefully review the campaign statements prepared by the committee treasurer, and, if necessary, replace the treasurer or improve the treasurer's performance if the candidate knows or has reason to believe the treasurer is not performing the required duties. Both the candidate and the treasurer must verify that the statement is true and both sign the statement under penalty of perjury. A statement is not considered filed if it is not signed by both the candidate and treasurer.

Campaign Disclosure manuals provide specific instructions and examples to assure record keeping complies with FPPC regulations. These examples address the most common transactions occurring in a campaign and will assist you in keeping adequate records. Manuals are available online, with Manual 2 provided as the one relative to local elections, found on the web here: www.fppc.ca.gov/manuals/manual2local.pdf

12. POLITICAL CAMPAIGN SIGNS

Election campaign signs are a traditional means of expression. The main purpose of the City's sign code is to allow freedom of expression while preserving public safety. If you have any questions about political signs, call the Planning Department about the sign code at 408-586-3279 or the City Clerk at 408-586-3001. Signs must be removed within 15 days following the election (by November 19). Political signs are restricted in Milpitas to a **maximum size of 32 square feet**, posted no higher than 6 feet above grade.

13. MASS MAILING REQUIREMENTS

The Political Reform Act specifies that a candidate (or committee) who sends a mass mailing of 200 or more identical or nearly identical pieces of mail in a calendar month must identify itself on the mailer. (Government Code Section 84305). The Elections Code requires that city and county clerks or election officials provide a copy of Government Code Section 84305 to each candidate, or his/her agent, at the time that a declaration of candidacy is filed. A copy of Section 84305 is provided to all candidates.

14. VOTER REGISTRATION DEADLINE

Section 2107 – Elections Code

The last day to register to vote for this election is Monday, October 20, 2014, 15 days prior to the election. Registration forms are available at the Registrar of Voters, City fire stations, Library, and City Hall. If a voter has a current California Driver's License issued by DMV, it is now possible to register to vote online. Go to www.registertovote.ca.gov

15. INFORMATION REQUESTS

Candidates are requested to direct requests for information not currently available on the website to the City Clerk at 408-586-3001 or the City Manager at 408-586-3050.

16. REGISTRAR OF VOTERS INFORMATION

The Santa Clara County Registrar of Voters Fee Schedule can be provided to you, upon request. This schedule states what voter information is available from the Registrar and the cost and formats of that information. You may phone the Registrar of Voters in San Jose at 408-299-8683 or visit the website at www.sccvote.org.

17. ASSUMING OFFICE

The newly elected Mayor and City Councilmembers will take office on December 2, 2014 at 7:00 p.m. The swearing-in ceremony may be followed by a brief reception in the City Hall lobby.

18. RALPH M. BROWN ACT

Candidates who have been elected but not yet sworn in are subject to the Brown Act (Open Meeting Law). This means that they should avoid meetings or serial communications with current members of the City Council and/or other members-elect until they have been briefed on the law by the City Attorney.

19. CODE OF FAIR CAMPAIGN PRACTICES

Candidates are encouraged to voluntarily endorse, subscribe to, and pledge themselves to conduct their campaign in accordance with the principles of decency, honesty and fair play. Signing a printed copy of this prescribed code is optional for candidates.

DO YOU STILL HAVE QUESTIONS ABOUT RUNNING FOR OFFICE?

Then, please
Call Milpitas City Clerk at 408-586-3001
e-mail: mlavelle@ci.milpitas.ca.gov

or

Deputy City Clerk at 408-586-3003
or e-mail kynegas@ci.milpitas.ca.gov